

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Call to Order: Chair Duane Ankney, on January 14, 2011 at 8:30 A.M., in Room 317C
Capitol

ROLL CALL

Members Present:

Rep. Duane Ankney, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. John Brenden (R)
Rep. Mike Cuffe (R)
Sen. Jim Keane (D)

Members Excused: Rep. Galen Hollenbaugh (D)

Members Absent: None

Staff Present: Rinay Bender, Committee Secretary
James Chamberlain, Office of Budget and Program Planning
Barbara Smith, Legislative Fiscal Division

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action on decision packages: 101, 301, 302, 401, 402, 503, 504, 505, 506, 507, 501, 601, 604, 607, 604, 605, 606, 802, 803, 801, 901, 902, 1201, 553, 508, C-34 proprietary table, 602, 657, 903, C-51, 53, 54 rates, and C-29.

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00:00:07 Barbara Smith, Legislative Fiscal Division (LFD)

[EXHIBIT\(jnh11a01\)](#)

[EXHIBIT\(jnh11a02\)](#)

00:01:56 **Motion:** Sen. Keane **DP 101 BE ADOPTED** for Fish, Wildlife, and Parks.

Discussion:

00:02:18 Sen. Ripley

00:02:28 Ms. Smith, LFD

00:02:51 Chairman Ankney

00:03:05 James Chamberlain, Office of Budget and Program Planning (OBPP)

00:03:26 Sen. Ripley

00:04:41 **Vote:** Motion carried 5-1 by roll call vote with Sen. Brenden voting no. Rep. Hollenbaugh voted by proxy.

00:04:50 Ms. Smith, LFD

00:05:22 **Motion:** Sen. Ripley moved that **DP 301 BE ADOPTED, ENTIRE APPROPRIATION RESTRICTED.**

00:06:17 Ms. Smith, LFD

00:06:10 Sen. Keane

00:06:15 Ms. Smith, LFD

00:06:25 Sen. Ripley

00:07:18 **Vote:** Motion carried unanimously by roll call vote. Rep. Hollenbaugh voted by proxy.

00:06:37 Chairman Ankney

00:07:28 Ms. Smith, LFD

00:08:06 Mr. Chamberlain, OBPP

00:08:26 **Motion:** Sen. Brenden moved that **DP 302 BE ADOPTED ONE TIME ONLY WITH MEASURABLE OBJECTIVES ADDED IN TO COORDINATING LEGISLATION.**

Discussion:

00:08:46 Chairman Ankney

00:08:56 Sen. Ripley

00:09:20 Ms. Smith, LFD

00:09:53 Sen. Brenden

00:09:59 Ms. Smith, LFD

00:10:16 Sen. Ripley

00:10:40 Ms. Smith, LFD

00:11:01 **Substitute Motion:** Sen. Ripley made a substitute motion that **DP 302 BE ADOPTED AS ONE TIME ONLY WITH MEASURABLE OBJECTIVES ADDED IN TO COORDINATING LEGISLATION AND THAT THE DOLLAR AMOUNT BE ADJUSTED FROM \$25,000 TO \$10,000 PER YEAR.**

Discussion:

00:11:28 Ms. Smith, LFD
00:11:45 Rep. Cuffe
00:12:09 Ms. Smith, LFD
00:12:23 Rep. Cuffe
00:12:28 Ms. Smith, LFD
00:12:39 Chairman Ankney

00:13:10 Sen. Brenden

00:13:20 **Vote:** Motion carried 4-2 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting no. Rep. Hollenbaugh voted by proxy.

00:13:58 Ms. Smith, LFD

00:14:10 **Motion/Vote:** Sen. Brenden moved that **DP 401 BE ADOPTED.** Motion carried unanimously by roll call vote. Rep. Hollenbaugh voted by proxy.

00:14:52 Ms. Smith, LFD

00:15:25 **Motion/Vote:** Sen. Ripley moved that **DP 402 BE ADOPTED.** Motion carried unanimously by roll call vote. Rep. Hollenbaugh voted by proxy.

00:16:15 Ms. Smith, LFD
00:16:51 Sen. Ripley
00:16:57 Ms. Smith, LFD

00:17:15 **Motion:** Sen. Ripley moved that **DP 503 BE ADOPTED WITH \$350,000 OF HUNTING ACCESS ACCOUNT AND \$500,000 OUT OF GENERAL LICENSE ACCOUNT FUNDS.**

Discussion:

00:17:31 Chairman Ankney
00:17:40 Ms. Smith, LFD
00:17:46 Ms. Smith, LFD explained DP 503 was written as DP 553 to reflect the one time only additions in Sen. Ripley's motion on DP 503.
00:18:37 Sen. Ripley
00:19:20 Sen. Brenden
00:20:02 Sen. Keane
00:20:07 Ms. Smith, LFD
00:20:20 Sen. Ripley
00:20:22 Rep. Hollenbaugh arrived.

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00:20:25 **Motion/Vote:** Sen. Ripley moved that **DP 553 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:21:36 Rep Hollenbaugh arrived
00:21:52 Ms. Smith

00:21:59 **Motion:** Sen. Brenden moved that **DP 504 BE ADOPTED AS AMENDED AS ONE TIME ONLY AND CUT IN HALF**.

00:22:26 Chairman Ankney

00:22:39 **Substitute Motion/Vote:** Sen. Keane made a substitute motion that **DP 504 BE ADOPTED AS IS**. Substitute Motion failed 2-4 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting aye.

00:22:50 Sen. Brenden

00:23:10 **Vote:** Original motion on DP 504 carried 4-2 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting no.

00:24:49 Ms. Smith, LFD

00:25:05 **Motion/Vote:** Sen. Ripley moved that **DP 505 BE ADOPTED ONE TIME ONLY**. Motion carried unanimously by roll call vote.

00:25:44 Ms. Smith, LFD

00:25:51 **Motion/Vote:** Sen. Brenden moved that **DP 506 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:25:59 Chairman Ankney
00:26:34 Ms. Smith, LFD

00:26:48 **Motion:** Sen. Keane moved that **DP 507 BE ADOPTED**.

00:27:08 **Substitute Motion/Vote:** Sen. Brenden made a substitute motion that **DP 507 BE ADOPTED AS ONE TIME ONLY WITH MEASURABLE OBJECTIVES**. Substitute Motion carried unanimously by roll call vote.

00:28:25 Ms. Smith, LFD
00:29:01 Sen. Ripley
00:29:11 Ms. Smith, LFD

00:29:18 **Motion:** Sen. Keane moved that **DP 501 BE ADOPTED**.

00:29:25 Chairman Ankney

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00:29:30 **Substitute Motion/Vote:** Sen. Brenden made a substitute motion that **DP 501 BE ADOPTED AS AMENDED AS ONE TIME ONLY WITH MEASURABLE OBJECTIVES**. Substitute Motion failed 3-3 by roll call vote with Sen. Brenden, Rep. Cuffe and Sen. Ripley voting aye.

00:29:52 Sen. Ripley
00:30:44 Chairman Ankney

00:30:52 **Motion/Vote:** Sen. Ripley moved that **DP 501 BE ADOPTED AS AMENDED WITH MEASURABLE OBJECTIVES AND OVERSIGHT REPORTING DURING INTERIM COMMITTEE TO ENVIRONMENTAL QUALITY COUNCIL AND THIS COMMITTEE NEXT SESSION**. Motion carried unanimously by roll call vote.

Discussion:

00:31:31 Ms. Smith, LFD
00:31:51 Rep. Hollenbaugh
00:33:09 Ms. Smith, LFD
00:33:29 Sen. Brenden
00:33:50 Ms. Smith, LFD
00:34:02 Sen. Brenden
00:34:11 Ms. Smith, LFD
00:34:15 Chairman Ankney
00:34:18 Joe Maurier, Fish, Wildlife and Parks (FWP)
00:34:31 Sen. Brenden
00:34:46 Ms. Smith, LFD
00:34:50 Sen. Brenden
00:35:15 Ms. Smith, LFD

00:35:25 **Motion:** Sen. Brenden moved that **DP 508 BE ADOPTED AS AMENDED WITH MEASURABLE OBJECTIVES AND REPORTING BACK TO THE COMMITTEE AND THE ENVIRONMENTAL QUALITY COUNCIL WITH STIPULATION THAT THERE WILL BE NO USE OF FUNDS TO BUY EASEMENTS**.

Discussion:

00:36:08 Sen. Keane
00:36:13 Ms. Smith, LFD
00:36:29 Chairman Ankney
00:36:32 Sen. Brenden

00:37:17 **Vote:** Motion carried unanimously by roll call vote.

00:38:01 Ms. Smith, LFD
00:38:19 Sen. Brenden
00:39:00 Joe Maurier, FWP
00:39:18 Ms. Smith, LFD

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00:39:37 **Motion/Vote:** Rep. Hollenbaugh moved that **THE PROPRIETARY RATE TABLE ON PAGE C-34 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:40:31 Ms. Smith, LFD

00:40:39 **Motion:** Rep. Hollenbaugh moved that **DP 601 BE ADOPTED**.

00:40:48 **Substitute Motion:** Sen. Brenden made a substitute motion that **DP 601 BE ADOPTED AS AMENDED TO REMOVE THE FTE AUTHORITY**.

Discussion:

00:41:06 Ms. Smith, LFD
00:41:30 Chairman Ankney
00:41:36 Rep. Hollenbaugh
00:41:47 Ms. Smith, LFD
00:41:56 Sen. Keane
00:42:25 Ms. Smith, LFD
00:42:41 Rep. Hollenbaugh
00:42:55 Sen. Keane
00:43:10 Rep. Hollenbaugh

00:43:37 **Vote:** Motion carried unanimously by roll call vote.

00:43:50 **Motion/Vote:** Sen. Brenden moved that **DP 602 BE ADOPTED AS AMENDED TO REMOVE THE AUTHORITY FOR THE FTE**. Motion carried 4-2 by roll call vote with Rep. Cuffe and Sen. Ripley voting no.

00:44:10 Ms. Smith, LFD
00:46:07 Sen. Keane
00:46:15 Ms. Smith, LFD

00:46:24 **Motion:** Sen. Keane moved that **DP 657 BE ADOPTED**.

Discussion:

00:47:20 Sen. Brenden
00:47:33 Sen. Keane
00:47:43 Sen. Brenden
00:47:48 Ms. Smith, LFD
00:48:09 Sen. Brenden
00:48:16 Ms. Smith, LFD
00:48:33 Rep. Hollenbaugh
00:48:42 Ms. Smith, LFD
00:48:59 Sen. Ripley
00:49:26 Sen. Keane

00:50:01 **Vote:** Motion carried unanimously by roll call vote.

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00:50:35 Ms. Smith, LFD

00:50:56 **Motion/Vote:** Sen. Brenden moved that **DP 604 BE ADOPTED AS AMENDED AS ONE TIME ONLY**. Motion carried unanimously by roll call vote.

00:51:33 Ms. Smith, LFD

00:52:20 **Motion/Vote:** Sen. Ripley moved that **DP 605 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:52:50 Ms. Smith, LFD

00:53:01 **Motion/Vote:** Sen. Keane moved that **DP 606 BE ADOPTED**. Motion carried unanimously by roll call vote.

Discussion:

00:53:53 Ms. Smith, LFD

00:54:05 Sen. Brenden

00:54:26 Ms. Smith, LFD

00:55:06 Sen. Brenden

00:55:41 Ms. Smith, LFD

00:55:53 **Motion/Vote:** Sen. Brenden moved that **DP 803 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:56:28 Sen. Brenden

00:56:31 Ms. Smith, LFD

00:56:35 **Motion/Vote:** Sen. Brenden moved that **DP 801 BE ADOPTED**. Motion carried unanimously by roll call vote.

01:06:17 Sen. Keane

01:06:42 Chas Van Genderen, Montana State Parks (MSP)

01:08:00 Rep. Cuffe

01:08:19 Ms. Smith, LFD

01:08:47 **Motion:** Sen. Keane moved that **DP 901 BE ADOPTED**.

Discussion:

01:08:55 Sen. Brenden

01:10:02 Rep. Hollenbaugh

01:10:27 Mr. Maurier, FWP

01:11:07 Rep. Hollenbaugh

01:11:39 Mr. Maurier, FWP

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01:11:51 **Substitute Motion:** Rep. Hollenbaugh made a substitute motion that **DP 901 BE ADOPTED AS AMENDED NO FTE, LEAVE THE CASH WHICH WOULD BE RESTRICTED TO DEVELOPMENT OF AN MOU AND COORDINATE LEGAL WITH THE DEPARTMENT OF JUSTICE.**

Discussion:

01:12:59 Sen..Ripley
01:13:09 Mr. Maurier, FWP
01:13:34 Sen. Keane
01:14:10 Sen. Brenden
01:14:17 Ms. Smith, LFD
01:14:37 Chairman Ankney
01:14:53 Sen. Ripley
01:15:17 Ms. Smith, LFD
01:15:24 Rep. Hollenbaugh
01:15:28 Ms. Smith
01:15:56 Sen. Brenden
01:16:03 Ms. Smith, LFD

01:16:09 **Vote:** Motion carried 4-2 by roll call vote with Sen. Brenden and Sen. Ripley voting no.

01:16:52 Ms. Smith, LFD

01:17:05 **Motion/Vote:** Sen. Ripley moved that **DP 903 BE ADOPTED.** Motion carried unanimously by roll call vote.

01:17:24 Ms. Smith, LFD

01:18:30 **Motion/Vote:** Rep. Hollenbaugh moved that **THE RATE TABLES ON C-51, C-53 and C-54 BE ADOPTED.** Motion carried unanimously by roll call vote.

01:19:16 Ms. Smith, LFD

01:19:24 **Motion:** Rep. Hollenbaugh moved that **DP 1201 BE ADOPTED.**

Discussion:

01:19:32 Sen. Brenden
01:19:45 Rep. Hollenbaugh
01:21:11 Sen. Brenden
01:21:35 Sen. Ripley
01:21:52 Rep. Hollenbaugh
01:22:50 Sen. Ripley
01:23:11 Rep. Hollenbaugh
01:24:20 Rep. Cuffe

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01:24:58 **Vote:** Motion failed 2-4 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting aye.

01:25:31 **Motion:** Sen. Brenden moved that **C-29 BE ADOPTED AS AMENDED AS A GRANT PROGRAM WITH \$50,000 BIENNIUM TO BE USED TO BRING SCHOOLCHILDREN TO VISIT THE WILDLIFE CENTER. GRANTS TO BE GIVEN TO APPROXIMATELY 10 SCHOOLS PER YEAR WITH A MAXIMUM EXPENSE REIMBURSEMENT OF \$2,500 PER SCHOOL.**

Discussion:

01:27:17 Ms. Smith, LFD
01:27:49 Sen. Brenden
01:28:18 Ms. Smith, LFD
01:28:34 Sen. Brenden
01:28:54 Sen. Keane
01:29:30 Ms. Smith, LFD
01:30:04 Sen. Brenden
01:30:15 Ms. Smith, LFD
01:30:44 Rep. Hollenbaugh

01:30:56 **Vote:** Motion carried 5-1 by roll call vote with Sen. Ripley voting no.

01:31:26 **Motion/Vote:** Sen. Ripley moved to **RECONSIDER THE MOTION ON DP 506.** Motion carried unanimously by roll call vote.

Discussion on DP 506:

01:34:10 Sue Daly, FWP
01:34:43 Sen. Ripley
01:35:16 Sen. Brenden
01:35:42 Ms. Smith, LFD
01:35:46 Sen. Brenden
01:35:51 Ms. Smith, LFD
01:36:05 Sen. Brenden, without objection, requested a deferral of action on DP 506.

01:36:20 **Motion/Vote:** Sen. Brenden moved that **C-29 BE ADOPTED AS AMENDED TO EXPEND \$100,000 PER YEAR, UNALLOCATED, IN GENERAL LICENSE IN OPERATING EXPENSES FOR INVASIVE SPECIES.** Motion carried unanimously by roll call vote.

Discussion:

01:36:36 Ms. Smith, LFD
01:37:19 Sen. Brenden
01:37:30 Ms. Smith, LFD
01:38:20 Sen. Brenden
01:39:28 Sen. Brenden
01:40:58 Ms. Smith, LFD

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01:41:26	Sen. Keane
01:41:46	Sen. Brenden
01:41:53	Sen. Ripley
01:42:21	Ms. Smith, LFD
01:43:07	Sen. Keane
01:43:59	Sen. Ripley
01:44:24	Sen. Keane
01:44:31	Ms. Smith, LFD
01:45:23	Sen. Brenden
01:45:43	Ms. Smith, LFD
01:45:56	Sen. Keane
01:46:47	Ms. Smith, LFD
01:46:52	Sen. Keane
01:47:01	Ms. Smith, LFD
01:47:08	Sen. Keane
01:47:18	Ms. Smith, LFD
01:47:24	Sen. Keane
01:48:31	Sen. Ripley
01:48:55	Sen. Brenden
01:49:19	Sen. Keane
01:49:38	Chairman Ankney
01:50:13	Ms. Smith, LFD
01:50:30	Sen. Keane
01:50:44	Sen. Brenden
01:50:55	Ms. Smith, LFD

ADJOURNMENT

01:51:44 Chairman Ankney adjourned the meeting.

Rinay Bender, Secretary

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Additional Documents:

EXHIBIT([jnh11aad.pdf](#))